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6 Attorney for Defendant
STEPHON JAMES WHITNEY

7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

9 UNITED STATES OF AMERICA,)
10) CASE NO. 2:21-CR-002-JAD-NJK
Plaintiff,)
11)
vs.)
12)
13 STEPHON JAMES WHITNEY,)
Defendant.)
14 _____)

15 **STIPULATION TO CONTINUE**
16 **CALENDAR CALL AND TRIAL DATE (Third Request)**

17 IT IS HEREBY STIPULATED AND AGREED, by and between CHRISTOPHER
18 CHIOU, Acting United States Attorney, and DANIEL J. COWHIG, Assistant United States
19 Attorney, counsel for the United States of America, and YI LIN ZHENG, ESQ. counsel for
20 STEPHON JAMES WHITNEY that the calendar call currently scheduled for May 16, 2022 at
21 1:30 p.m., and the trial currently scheduled for May 24, 2022, at 9:00 a.m., be vacated and
22 continued for at approximately 30 days to a date and time convenient to this Court.
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24 This stipulation is entered into for the following reasons:

25 1. Counsel for the defendant needs additional time to conduct an investigation in this
26 case, in order to determine whether there are any pre-trial issues that must be litigated, to discuss
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1 potential resolution of any motions, and determine whether the case will ultimately go to trial or
2 will be resolved through negotiations.

3 2. Defendant STEPHON JAMES WHITNEY is in custody but has been advised and
4 does not object to the continuance.

5 3. The additional time requested herein is not sought for purposes of delay, but
6 merely to allow counsel for defendant sufficient time within which to be able to effectively
7 complete investigation of discovery materials and to further discuss the case with defendant.

8 4. The additional time requested by this stipulation is excludable in computing the
9 time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18,
10 U.S.C. §3161(h)(7); and Title 18, U.S.C. §3161(h)(7)(A), when considering the factors under
11 Title 18, U.S.C. §3161(h)(7)(B), §3161(h)(7)(B(i) and §3161(h)(7)(B)(iv).
12

13 5. This is the third request for a continuance filed herein.
14

15 DATED: April 28, 2022

16
17 CHRISTOPHER CHIOU
18 Acting United States Attorney

VEGAS GOLDEN LAW
Formerly Momot & Zheng

19 By /s/ Daniel J. Cowhig
20 DANIEL J. COWHIG
21 Assistant United States Attorney
22 Counsel for Plaintiff
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By /s/ Yi Lin Zheng
YI LIN ZHENG, ESQ.
Counsel for Defendant
STEPHON JAMES WHITNEY

1 Title 18, U.S.C. §3161(h)(7)(B), §3161(h)(7)(B)(i) and §3161(h)(7)(B)(iv).

2 5. This is the third request for a continuance filed herein.

3 For all of the above-stated reasons, the ends of justice would best be served by a
4 continuance.
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6 **CONCLUSIONS OF LAW**

7 The ends of justice served by granting said continuance outweigh the best interest of the
8 public and the defendant in a speedy trial, since the failure to grant said continuance would be
9 likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the
10 opportunity within which to be able to effectively and thoroughly prepare for trial, taking into
11 account the exercise of due diligence.
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13 The continuance sought herein is excludable under the Speedy Trial Act, Title 18, U.S.C.
14 § 3161(h)(7); and Title 18, U.S.C. § 3161(h)(7)(A), when considering the factors under Title 18,
15 U.S.C. § 3161(h)(7)(B), § 3161(h)(7)(B)(i) and § 3161(h)(7)(B)(iv).
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ORDER

IT IS ORDERED that the trial briefs, proposed voir dire questions, proposed jury instructions, and a list of exhibits must be submitted to the Court by _____, 2022.

IT IS FURTHER ORDERED that the calendar call currently scheduled for May 16, 2022, be vacated and continued to _____, 2022, at _____ and the trial currently scheduled for May 24, 2021, be vacated and continued to _____, 2022, at _____, in Courtroom _____.

Dated: _____.

JENNIFER A. DORSEY
UNITED STATES DISTRICT JUDGE